

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDGAR W. TUTTLE, ERIC BRAUN, THE
BRAUN FAMILY TRUST, and WENDY MEG
SIEGEL, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

SKY BELL ASSET MANAGEMENT, LLC, *et*
al.,

Defendants.

No. C 10-03588 WHA


**ORDER GRANTING
PLAINTIFFS' REQUEST FOR
LEAVE TO FILE MOTION TO
STRIKE AND FOR EXTENSION
TO OPPOSE ER DEFENDANTS'
MOTION TO DISMISS**

Yesterday, pursuant to the case management order in this matter, plaintiffs filed a précis regarding plaintiffs' request that the ER defendants' motion to dismiss be stricken. As the précis points out, there is some urgency to this issue, as plaintiffs' deadline to oppose the motions to dismiss is tomorrow, March 17. The précis requests leave to file a motion to strike the ER defendants' motion to dismiss, or, alternatively, a short extension to file their opposition to the motion. The grounds for the short extension are that yesterday, preceding plaintiffs' précis, the ER defendants filed a "corrected and amended declaration of James Matthews" in support of their motion. Purportedly this was to replace Exhibit D to the declaration with a redacted version of the same exhibit, but — upon inspection — defendants also changed the contents of the declaration. In view of this maneuver, plaintiffs' request for a short extension to file their opposition to the ER defendants' motion is **GRANTED**. Plaintiffs' opposition to the ER

1 defendants' motion is due on **MARCH 21, 2011**; the ER defendants' reply is still due on **MARCH**
2 **24, 2011**. This does not change the deadlines for briefing on the motion to dismiss of the other
3 defendants. This ruling has no bearing on whether the ER defendants' motion will be stricken
4 for reasons stated in the order to show cause. Plaintiffs' request to file a motion to strike the ER
5 defendants' motion seems to be equivalent to a request to oppose the ER defendants'
6 submission in response to the order to show cause. That request is **GRANTED**, though plaintiffs
7 shall style their submission as an opposition to the ER defendants' submission rather than as a
8 separate motion. That submission shall be due on **MARCH 24, 2011**.

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10 **IT IS SO ORDERED.**

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12 Dated: March 16, 2011.



13 WILLIAM ALSUP
14 UNITED STATES DISTRICT JUDGE
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